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Date of Signature and Deposit: December 7, 2006



By:

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MARITZA O'NEILL

(Typed/Printed Name)

**CERTIFICATE OF MAILING PURSUANT TO 37 C.F.R. 1.10**

Applicants : Kurt A. Zarefoss et al.  
Application No. : 09/965,854  
Date of Filing : October 1, 2001  
Title : SYSTEM AND METHOD FOR SUPPLY CHAIN  
MANAGEMENT, INCLUDING COLLABORATION  
Confirmation No. : 4038  
Examiner : Krisciunas, Linda Mary  
TC/Art Unit : 3623  
USPTO Customer No. : 26707  
Attorney Docket No. : 125090.00014

Commissioner for Patents  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Type of Filing:

- 1) Declaration of John Vrankovich Under 37 C.F.R. §1.131;
- 2) Compact Disk attached as Exhibit A to Declaration; and
- 3) Return receipt postcard.



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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DECLARATION OF JOHN VRANKOVICH  
UNDER 37 C.F.R. §1.131

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, JOHN VRANKOVICH, declare as follows:

1. I am a co-inventor in the above-referenced patent application.

2. In the most recent Office Action, claims 1-6, 9-12, 18-20, 22, 25-28, 34-39, 42-45, 51-54, 57-58, 60, 63-65, 70-71, and 75-76 were rejected under 35 U.S.C. 103(a) as being unpatentable over US patent application 2002/0069096 (Lindoefer) in view of Applicant's admitted prior art Networks/Collaborate. The Office Action further rejected claims 7, 13-14, 21, 23, 29-30, 40, 47, 55-56, 59, 61, 66-67, 72-73, and 77-78 under 35 U.S.C. 103(a) as being unpatentable over

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Lindoefer in view of Applicant's admitted prior art Networks/Collaborate and US patent 6301621. The Office Action further rejected claims 8, 15-17, 24, 31-33, 41, 48-50, 62, 68-69, 74, 79, and 80 under 35 U.S.C. 103(a) as being unpatentable over Lindoefer in view of Applicant's admitted prior art Networks/Collaborate and US patent 5930156.

3. In Applicants' response dated October 3, 2006, claim 1 was amended, claims 2-80 were cancelled, and claims 81-114 were added, which presently constitute the claimed invention.

4. The Lindoefer application has a filing date of June 22, 2001, which claims priority to provisional application 60/236,379, filed on September 29, 2000, and further to provisional application 60/213,324, filed on June 22, 2000.

5. The invention was conceived and reduced to practice before the earliest priority date of the Lindoefer reference. As evidence of the prior conception and reduction to practice, a copy of Applicants' source code is provided as Exhibit A on the enclosed compact disk (CD). The source code is hierarchically organized and presented as individual files on the CD. The source code files are computer date stamped at least as of May 23, 2000. The source code fully enables the features disclosed in the specification and claimed as the invention.

6. The source code demonstrates that Applicants were in complete possession of the invention on or before June 22, 2000, the earliest claimed U.S. priority date of the Lindoefer reference.

7. The acts relied on in this Declaration and described in the attached Exhibit took place in the United States.

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8. I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true. I understand that willful false statements and the like are punishable by fine or imprisonment, or both under U.S.C. 18 §1001, and may jeopardize the validity of the application or any patent issuing thereon.

Dated: 11/30/2006

By:   
John Vrankovich

USPTO Serial Number: 09/965,854

Kurt A. Zarefoss et al.

Declaration of John Vrankovich under 37 C.F.R. §1.131

## **EXHIBIT A**

Enclosed Compact Disk